IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION.2086 OF 2004
IN
APPEAL NO.207 OF 2004
IN
ARBITRATION PETITION NO.413 OF 2003

W I T H

NOTICE OF MOTION NO.2088 OF 2004
IN
APPEAL NO.209 OF 2004
IN
ARBITRATION PETITION NO.415 OF 2003

W I T H

NOTICE OF MOTION NO.2090 OF 2004
IN
APPEAL NO.208 OF 2004
IN
ARBITRATION PETITION NO.414 OF 2003

W I T H

NOTICE OF MOTION NO.2091 OF 2004
IN
APPEAL NO.206 OF 2004
IN
ARBITRATION PETITION NO.412 OF 2003

Mrs.Bharti Navnit Raithatha. .. .. Appellant
V/s.
Sureshbhai M. Raithatha & ors. .. Respondents
A n d
Murli Synthetics & ors. .. Applicants

Mr.V.R. Dhond with Mr.H. Toor i/by M/s.Mahimtura & Co. for Applicants.

Mr.Girish Desai with Ms.S.V.Thakkar i/by M/s.M.P.Rege & Co. for Appellant.

One of Respondents is present in person.

CORAM : H.L. GOKHALE &
S.U. KAMDAR, JJ.
DATED : 22nd September 2004

P.C. :

1. These four Motions seek a clarification of

the order dated 12th April 2004 passed by this Court. Mr.Dhond appears for the Applicants-Interveners, who were represented by Mr.Toor when the order was passed on 12th April 2004. Mr.Desai appears for the Appellant. One of the Respondents is present.

2. The clarification is sought in view of the apprehension entertained by the Interveners on account of the order passed by a learned Single Judge on 15th June 2004 in the above Arbitration Petitions. In paragraph 4 of that order, the learned Single Judge has recorded the statement of Mr.Dhond that the said Interveners will pay the Court Receiver a sum of Rs.40,000/- comprising of Rs.20,000/- as rent and Rs.20,000/- as maintenance charges. Mr.Dhond submits that the Applicants are tenants and apart from their possession, their claim to the tenancy should not be disturbed. As far as the possession is concerned, there is no difficulty since that is already protected in the order which we have passed on 12th April 2004, namely, that whoever is in possession, is not to be disturbed. As far as the payment is concerned, though the Receiver will receive it as a payment from an agent of the Receiver, it will be open to the Interveners to make payment without prejudice to the submissions of the Interveners that they are the tenants and the payment is being made in

their capacity as tenants and not as agents of the Receiver.

3. In the event of any bid being given for the property of the partnership including the premises, which are occupied by the Interveners, we make it clear that the possession of the Interveners will not be disturbed in any manner whatsoever. This order will abide by the final order to be passed in the main proceedings.

4. In view of the above clarification, Mr.Dhond appearing for the Applicants seeks to withdraw all the aforesaid four Motions. The Motions are accordingly disposed of as not pressed.

5. Authenticated copy of this order be provided.

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(H.L. GOKHALE, J.)

(S.U. KAMDAR, J.)